

IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. WJC No.714 of 2008
RAMESH AGRAWAL
Versus
STATE OF BIHAR & ORS

4 30.9.2008 Heard the learned counsel for the petitioner and the State.

In the instant writ application the petitioner prays for release of the articles seized by respondent no.2 in Special Case No.1 of 2008 instituted for commission of Economic Offence.

Learned counsel for the petitioner submits that he is the proprietor of M/s. Laddu Gopal Enterprises, at Gulab Bagh, Purnia . He deals in spices and Betel Nuts etc.

The prosecution case in short is that the police officials raided the business premises of the petitioner and seized number of bags of Dhania, Mangraila and Betel Nuts as there was no stock register showing the quantity stored in the business premises. It has also been alleged that the accused did not produce any chit of paper in respect of the alleged seized materials. The materials as such appeared to be stolen or smuggled.

Learned counsel for the petitioner submits that no case under the aforesaid section 414 of the Indian Penal Code and section 135 of Customs Act, 1962 is made out against him. He further submits that the seized items in question are perishable items.

This Court , for the present, is not going into merit of the allegations which would be considered by an appropriate

criminal court.

As the most of the seized articles are perishable, this Court is of the view that the same be released in favour of the petitioner on furnishing adequate security apart from cash security of Rs.10,000/- after due verification of the ownership of the materials seized.

This writ application is disposed of with the aforesaid observation and direction.

Anilksinha

(Samarendra Pratap Singh,J.)

